

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. GUNTER,

Petitioner,

vs.

ROBERT HOUSTON,

Respondent.

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4:05cv3223

MEMORANDUM AND ORDER

Having reviewed the record, I do not find that the petitioner's psychotropic medication so affected his mental capacity between August 7, 2002 and August 7, 2003, as to prevent the petitioner from filing either a postconviction action or a § 2254 petition between those dates. Therefore, in accordance with my previous decisions in this action, I conclude that the doctrine of equitable tolling does not relieve the petitioner from the statute of limitations imposed on habeas corpus actions by the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). See 28 U.S.C. § 2244(d).

Accordingly, a separate judgment will be entered dismissing the Petition for Writ of Habeas Corpus filed by the petitioner, William C. Gunter.

SO ORDERED.

DATED this 29th day of January, 2007.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON
Chief District Judge